

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Petitioner, vs. LCR TELECOMMUNICATIONS, L.L.C., Respondent.	DOCKET NO. FCU-02-26 (C-02-322)
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**ORDER NUNC PRO TUNC, GRANTING MOTION FOR RECONSIDERATION
AND PETITION FOR PROCEEDING TO CONSIDER CIVIL PENALTIES**

(Issued August 7, 2003)

On December 16, 2002, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to impose civil penalties pursuant to Iowa Code § 476.103, asking that the Board review the proposed resolution issued in Docket No. C-02-322, involving LCR Telecommunications, L.L.C. (LCR), and consider the possibility of assessing a civil penalty pursuant to Iowa Code § 476.103(4)"a." On June 24, 2003, the Board issued an order reviewing the record assembled in the informal complaint proceedings and denying the request for a proceeding to consider imposing civil penalties against LCR.

The Board denied Consumer Advocate's request for the imposition of civil penalties against LCR on June 24, 2003, finding that Consumer Advocate had not provided any reasonable ground for further investigation of the matter.

On July 9, 2003, Consumer Advocate filed a motion for reconsideration. On August 5, 2003, the Board issued an order denying the motion for reconsideration. However, that order was in error and will be withdrawn. The Board finds that Consumer Advocate has identified reasonable grounds for further investigation of the matter, given the number of slamming complaints against LCR, and will grant the request for a proceeding to impose civil penalties pursuant to Iowa Code § 476.103.

The Board will not establish a procedural schedule at this time; instead, the Board will docket the matter and allow the parties three months to attempt to negotiate a resolution. If the parties are able to stipulate to an appropriate resolution, they may file it with a motion for Board approval. If they are not able to reach agreement within three months, they should file a statement to that effect and the Board will establish a procedural schedule. It should be understood that this does not mean negotiations should cease after three months or that the Board will not consider a negotiated settlement after the three-month period; it only means that the Board believes it is appropriate to give the parties an opportunity to explore settlement without the time pressure of an established procedural schedule.

IT IS THEREFORE ORDERED:

1. The "Order Denying The Motion For Reconsideration" issued in this docket on August 5, 2003, is withdrawn.
2. The "Motion for Reconsideration" filed by the Consumer Advocate Division of the Department of Justice on July 9, 2003, is granted as described in the body of this order.
3. The petition for a proceeding to impose civil penalties pursuant to Iowa Code § 476.103, filed by the Consumer Advocate Division of the Department of Justice on December 16, 2002, is granted.
4. On or before a date three months from the date of this order, the parties shall file a report describing the progress of their negotiations.

UTILITIES BOARD

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 7th day of August, 2003.